HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

CHAMBER SUMMONS NO.442 OF 2005.
IN
SUMMONS FOR JUDGMENT NO.355 OF 2004
IN
SUM.SUIT NO.229 OF 2004

Joseph Bernard Fernandes. ...Plaintiff.

V/s.

K.Raheja Corp.Pvt.Ltd. ...Defendants.

Mr.Clive D'Souza for Plaintiff.

Mr. K.A.Sampat, for defendants.

CORAM: A.M.KHANWILKAR,J

DATE : JUNE 7, 2005

P.C. :-

1. Heard counsel for the parties. Perused the affidavit filed.

2. It is seen from the record that defendant was served with the summons for Judgment on 27th May, 2004. For the first time, however, on 1st July, 2004, the defendant sought for inspection of some documents. The fact remains that the affidavit in reply in the summons for judgment has not been filed within statutory period. No explanation is forthcoming as to what prevented the defendant to file affidavit in reply

within the statutory period. The excuse offered for inability to file affidavit in reply, in my view is inappropriate.

3. Viewed in this perspective, in the interest of justice and by way of indulgence, chamber summons is made absolute in terms of prayer clause (a) on condition that defendant to pay costs to the plaintiff quantified at Rs.7,500/-. Amount shall be paid on or before 14th June, 2005.